

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
July 27, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, and Becky Patel.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Absent: Susan Buse and Bridget McAndrew

Motion made by Alderman Berkowitz to approve the July 13, 2021, minutes. Alderman Lintz seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Kathleen Gund, resident, addressed the Board inquiring about the \$35 million included in the Capital Improvement Plan designated for the Central Business District streetscape.

City Manager Gipson explained that this specific line-item is an unfunded project, which would complete the streetscapes in the downtown areas (areas not done by the City or development projects) in order to bring all of the areas up to conformance.

Matt Malick, Director of Public Works, agreed.

Josh Dubinsky, resident, addressed the Board with concerns regarding the ongoing speeding issues on Audubon Drive and discussions with staff on recommendations and solutions to protect the resident's safety.

In response to Alderman Lintz' question, Matt Malick, Director of Public Works, stated that a stop sign as a stand-alone device per the Federal Highway Association should not be used as a speed control.

Deb Dubin, resident, addressed the Board stating that she is in support of a three-way stop sign at Audubon Drive.

P.J. McDaniel, resident, addressed the Board in support of a solution for the speeding on Audubon Drive to protect the safety of the residents in the neighborhood.

Naveen Chapa, 901 Audubon, addressed the Board reiterating the previous comments and commented there should be no further delay in placing a stop sign at the problem location; consider testing it for a period of time, and discuss a permanent solution.

City Manager Gipson stated that the issue will be included as a future (August 10 or 24) Board discussion session topic.

Tod Fagan, Spire, Inc., presented the City of Clayton and Matt Malick, Director of Public Works, with the *Silver Shovel Award*. The *Silver Shovel Award* acknowledges safe digging practices and the prevention of pipeline damage during construction near Spire's facilities. To be awarded a municipality must be located within Spire's service territory, a member in good standing of Missouri One Call and have no at-fault damages to Spire's facilities in 2020.

A PUBLIC HEARING AND AN ORDINANCE - DOWNTOWN DEVELOPMENT OVERLAY DISTRICT STANDARDS PROJECT SUMMARY IN PREPARATION FOR FUTURE CONSIDERATION OF AMENDMENTS TO CHAPTER 410, OVERLAY AND URBAN DESIGN ZONING DISTRICTS, ARTICLES III AND IV

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that H3 Design Studios has been under contract with the City of Clayton to assist the City with updating two existing Downtown Overlay Zoning districts. The Central Business District/Downtown Core Overlay District evaluation and study was conducted over a period of approximately 18 months, culminating in April 2021.

The study began with the consultant identifying the project area and conducting an on-site survey of existing conditions in the project area. Once this data was collected, analyzed, and graphically depicted, interactive work sessions were conducted with the Board of Aldermen, Clayton Plan Commission, the Planning Department, and a Steering Committee comprised of key developers, property owners, residents, and business owners within the immediate study area. The purpose of the work sessions was to gather feedback to establish the vision, principles, and parameters for proposed new design guidelines and development standards for the study area.

On June 21, 2021, H3 gave an informational overview of the study process to the Plan Commission, from start to finish, as a process refresher. The presentation included a summary of the public process, key decision points and the resulting draft written development standards and design guidelines which will be considered for adoption in accordance with the schedule noted below. As a primer to the upcoming public hearings the same presentation is being given to the Board of Aldermen at this July 27, 2021, meeting.

Tim Breihan, H3, addressed the Board providing a PowerPoint® presentation noting that he will be showing an updated presentation (available upon request in the City Clerk's office) other than what was presented in the Board's packet.

At Mayor Harris' request Mr. Breihan went through the combined districts that are included on the presentation.

In response to Alderman Lintz' question, Mr. Breihan confirmed that the entertainment district would not change.

In response to Alderman Berkowitz' question, Mr. Breihan explained the 25-story height limit.

In response to Alderman Patel's question regarding the setback requirements as related to Forsyth Pointe, Mr. Breihan stated the one area where Forsyth Pointe would not be compliant will be in terms of the setback along Forsyth Boulevard. He noted that he is not completely familiar with how the project was designed in terms of the ground floor uses, but as he recalls there were some non-commercial and non-retail ground floor uses in that project and in that aspect that part of the project would be noncompliant. He felt that there are some specific considerations related to the façade articulation in the proposed draft overlay that Forsyth Pointe would not fully comply with.

Alderman Patel inquired as to the floor height, particularly the upper floors with a minimum (9') and a maximum (12') which may not allow for a restaurant or event space on the top floor of the building, but if it were higher therefore it would require a Planned Unit Development. She referenced examples such as Armstrong Teasdale or St. Louis Club that have top floors that are impressive, therefore they would not qualify under the proposed guidelines.

Mr. Breihan stated that those are good points and provided a couple of solutions in order to permit it; (1) they include an exception notating a condition on the building design or its intended use; (2) They could specify how things (i.e. mezzanines) are treated as they relate to an overall floor count. He said that as sometimes seen in form-based codes where you permit a double height space for a certain percentage of the floor area. Any floor can for example designate a percentage (30% or 50%) of the floor, whatever makes sense in terms of the overall prevailing size of the building and can be specified or treated as a mezzanine condition, or a double-height condition, and that effectively counts as two stories, but is one story. He felt that was a good point brought up regarding committing those upper floors to an entertainment venue or dining spaces and ensuring that you have a good physical condition to support it.

Terri Kerley, resident, addressed the Board with concerns of the 40' step back for North and South Central which than progressively increases on N. Forsyth and Bemiston.

On behalf of Hank Winkleman, City Manager Gipson shared that Mr. Winkleman is advocating for a six-foot setback rather than a build-to line for the buildings for two reasons. First, the balconies and other projections at that point will encroach upon the right-of-way; and secondly, the six-foot setback will allow adequate outdoor dining space and a walkway with a more comfortable experience for pedestrians. Mr. Winkleman also had concerns regarding the corners and the public spaces (similar to what you see at Herbies) and how those would be allowed in this plan and the set-back, and articulation in those corners. Mr. Winkleman suggests requiring a certain area or a certain square footage of open space that could be utilized at either corners or across frontage of the building.

In response to Alderman Lintz' question, Mr. Breihan explained the design as it relates to possibly increasing the sidewalk space.

Mayor Harris explained to the audience that tonight's discussion was to hear the presentation only and refer the item back to the Plan Commission along with the Board's and public's questions and concerns and then it would come back before the Board for another public hearing.

Mayor Harris closed the public hearing.

AN ORDINANCE TO CONSIDER APPROVING TO CORRECT CLERICAL ERRORS IN ORDINANCE NO. 6674 (RELATED TO BEMISTON PLACE PROJECT) TO ACCURATELY REFLECT THE INTENT AND ACTION OF THE BOARD OF ALDERMEN

City Manager Gipson reported that on December 22, 2020, the Clayton Board of Aldermen considered and approved Ordinance No. 6674 for the establishment of a mixed-use Planned Unit Development known as Bemiston Place. The mixed-use structures will contain approximately 268,535 square feet of floor area, including apartment units, retail and restaurant spaces, and a parking garage. The applicant recently approached the City of Clayton to clarify the amount of retail space, which was originally approved at 10,667 square feet of retail. Upon further review, the applicant determined that the initial square footage calculation included a hallway measuring 308 square feet in area that should not have been classified as retail. Subsequently, the applicant submitted an application to revise the ordinance to ensure accuracy. While reviewing the applicant's request, staff further identified two locations in the ordinance where the number of apartment units was not consistent with the final Development Plan.

The areas of the ordinance requiring correction are as follows:

Ordinance No. 6674, paragraph 3 erroneously stated that the Bemiston Place Mixed Use Planned Unit Development permits 236 Rental Apartments and 10,667 square feet of retail/restaurant space; *and*

Exhibit C, Section A (1) "Permitted Uses Identified in the PUD Plans as Residential" of Ordinance 6674, erroneously stated that the Bemiston Place Mixed Use Planned Unit Development permits 246 Rental Apartment Dwelling Units; *and*

Exhibit C, Section B "Development Standards" erroneously noted in the Development Standards Table that 326 Apartment Dwelling Units are permitted; *and*

Exhibit C, Section B "Development Standards" erroneously noted in the Development Standards Table that 10,667 square feet of commercial space is permitted;

The specific revisions are as follows:

Ordinance No. 6674, paragraph 3 shall state that the Bemiston Place Mixed Use Planned Unit Development permits 237 Rental Apartments and 10,300 square feet of retail/restaurant space;

Exhibit C, Section A (1) "Permitted Uses Identified in the PUD Plans as Residential" of Bill 6814, Ordinance No. 6674: The Planned Bemiston Place Mixed Use Planned Unit Development permits 237 Rental Apartment Dwelling Units; *and*

Exhibit C, Section B “Development Standards” the Development Standards Table should note that 237 Apartment Dwelling Units are permitted; and

Exhibit C, Section B “Development Standards” the Development Standards Table should note that 10,300 square feet of commercial space is permitted.

Alderman Lintz introduced Bill No. 6852, to Correct Clerical Errors in Ordinance No. 6674 (related to Bemiston Place Project) to Accurately Reflect the Intent and Action of the Board of Aldermen to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6852, first reading, an Ordinance of the City of Clayton, Missouri, Authorizing and Directing the Execution of Corrections to Ordinance No. 6674 to Accurately Reflect the Intent and Action of the Board of Aldermen with Respect Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6852 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6852, to Correct Clerical Errors in Ordinance No. 6674 (related to Bemiston Place Project) to Accurately Reflect the Intent and Action of the Board of Aldermen to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. Bill No. 6852, second reading, an Ordinance of the City of Clayton, Missouri, Authorizing and Directing the Execution of Corrections to Ordinance No. 6674 to Accurately Reflect the Intent and Action of the Board of Aldermen with Respect Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6711 of the City of Clayton.

A MOTION TO CONSIDER APPROVING THE DISPOSAL OF RECORDS PER THE MISSOURI SECRETARY OF STATE GENERAL RECORDS RETENTION SCHEDULE

City Manager David Gipson reported as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Aldermen level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date. The Fire Department is requesting to dispose of EMS training records from 2000-2015 (*Per Bureau of EMS regulations, only the past 5 years need to be kept for records*).

Recommendation is to approve a motion to dispose of the records as listed in conformance with the Missouri Secretary of State General Records Retention Schedule

Motion made by Alderman Lintz to approve the disposal of records Fire Department EMS Training Records from 2000-2015. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

MOTION TO CONSIDER APPROVING APPOINTMENTS TO THE BOARDS AND COMMISSIONS

Mayor Harris recommended to appoint Cheryl Redohl, Ward 3 to the Sustainability Committee, term expiration June 30, 2024, and Eric Schneider, Ward 2, to the Parks and Recreation Commission, term expiration June 30, 2024; Eric Schneider to be appointed as chairman of Parks and Recreation Commission.

Motion made by Alderman Lintz to approve the appointments of Cheryl Redohl to the Sustainability Committee, Eric Schneider to the Parks and Recreation Commission and Eric Schneider to serve as Chairman of the Parks & Recreation Commission. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Lintz reported that Ward 3 held an in-person coffee session; received questions regarding the proposed tax increase.

Alderman Berkowitz reported on the following:

- Plan Commission/ARB – reviewed seven residential plan applications; one of the plans had an issue with property encroachment and the developer of the new construction graciously made accommodations to resolve the issue – another example of what Clayton is all about.
- Reviewed and approved the artwork for Commerce Bank.

Alderman Patel reported on the following:

- Ward 3 coffee
- Registered her daughter for the youth soccer program at the Center – commended Patty on the great work at the Center.
- Participating (virtually) in the Racial Equity Summit-Ferguson next week.

Mayor Harris reported on the following:

- Clayton Public Forum regarding the proposed tax increase was held July 21 in-person as well as virtually; well attended.
- Attended meetings at Maryland Walk and the Park Towers.
- Had a telephone discussion with a person regarding affordable housing and the difficulties of finding affordable housing – very enlightening and would like to discuss further in the future.

There being no further business the meeting adjourned at 9:15 p.m.

Mayor

ATTEST:

City Clerk